

Remarks/Arguments

Claims 1, 3, 8, 9, 11, 16 to 18 and 20 to 22 are presently pending. Claims 2, 4 to 7, 10, 12 to 15 and 19 are canceled, without prejudice. Claims 1, 3, 16 and 17 have been amended, without prejudice. No new matter has been added. Applicants reserve the right to pursue subject matter that remains after the prosecution of the present application in a future continuing patent application, for example, a division.

Applicants thank Examiner Chang for the telephone interview of November 16, 2010; the claims are amended herewith as discussed.

Discussion of the Rejections

Claims 1, 3, 11 and 16 to 18 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. Although applicants disagree, it is respectfully submitted that this rejection is overcome in view of the amendments to claim 1.

Claims 1, 3, 11 and 16 to 18 are also rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement, and Claims 1, 3, 8, 9, 11 and 16 to 18 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over International Publication No. WO03/087094 to Prat et al. ("Prat") in view of U.S. Patent No. 6,846,835 to Ogino et al. ("Ogino"). As discussed, these rejections were maintained without consideration of the claim amendments in the Amendment & Reply of May 27, 2010 ("Reply") due to the alleged new matter.

In view of the present amendments to claim 1 and thus full consideration of the presently pending claims, Applicants respectfully submit that the presently pending claims are enabled and are patentable over Prat in view of Ogino for the reasons as detailed in the Reply.

Conclusion

It is respectfully submitted that all of the claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned attorney by telephone if there are any questions concerning this amendment or application.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. 19-0134 in the name of Novartis.

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Respectfully submitted,

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